

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GARY A. FRY,)
) No. CV-05-0269-MWL
Plaintiff,)
) ORDER GRANTING DEFENDANT'S
v.) MOTION FOR RELIEF FROM
) JUDGMENT PURSUANT TO
JO ANNE B. BARNHART,) FED. R. CIV. P. 60(a)
Commissioner of Social)
Security,)
)
Defendant.)
)

BEFORE THE COURT is Defendant's October 3, 2006 motion, pursuant to Fed. R. Civ. P. 60(a), to correct the Court's Order issued on August 11, 2006. (Ct. Rec. 24).

On August 11, 2006, the Court granted Plaintiff's Motion for Summary Judgment (Ct. Rec. 11) and remanded the matter for an immediate award of benefits. (Ct. Rec. 22). In the body of its order, the Court referred to Plaintiff's application for Disability Insurance Benefits ("DIB") as being protectively filed on May 22, 2001. (Ct. Rec. 22, p. 2). The Court indicated that the remand of the case pertained only to Plaintiff's May 22, 2001 application which was properly appealed following its denial on reconsideration. (Ct. Rec. 22, p. 2).

1. Defendant's Motion For Relief From Judgment Pursuant to Fed. R. Civ. P. 60(a) (**Ct. Rec. 24**) is **GRANTED**.

2. This Court's August 11, 2006 order of remand for an immediate award of benefits (**Ct. Rec. 22**) is hereby **AMENDED** changing all references to Plaintiff's DIB application date of May 22, 2001 to May 22, 2002.

3. The District Court Executive is directed to enter this Order and provide a copy to counsel for Plaintiff and Defendant.

DATED this 10th day of October, 2006.

- 2 -